IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 70 OF 2005

IN

SUMMARY SUIT NO. 2519 OF 2001

Asia Today Ltd and anr. ....Plffs.
vs.
Surya Agroils Ltd and anr. .....Defnds.

F. Pooniwala a/w. Deepak Shinde i/b. Dhruva & Co.
for the plaintiffs.
Sandip Parikh i/b. S.S. Pakale
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 18th October, 2005.

P.C. :.

1. In so far as the 1st defendant is concerned there shall be unconditional leave to defend in view o the order dated 14.10.2005 passed in Summons for Judgment No. 1108 of 2003 in Summary Suit No.

2718 of 2003. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

2. In so far as the 2nd defendant is concerned learned counsel for the plaintiff states that the Summons for Judgment has been wrongly initiated as nobody has filed vakalatnama on behalf of the 2nd defendant and therefore he seeks leave to withdraw the Summons for Judgment with liberty to obtain ex-parte as against the 2nd defendant. Accordingly Summons for Judgment dismissed with the aforesaid liberty.

sd/-

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